



# Howard County Government

## CB64-2021

### Primary Information

**Title:** AN ACT prohibiting the cutting or clearing of certain specimen trees; providing that a property owner may proceed under certain conditions and upon the submission and approval of certain applications; providing for the contents of certain applications; providing for the criteria to use in the review of certain applications; providing for certain exemptions; requiring certain compliance; providing certain penalties for noncompliance; requiring surety for forest retention; defining certain terms; and generally related to forest conservation and the preservation of natural cover in Howard County.

**Short Title:** Enhanced protection and retention of certain trees.

**Category:** General

**Primary Sponsors:** The Chairperson at the request of the County Executive

**Secondary Sponsors:**

**Status:** Failed

**Date Signed:**

**Date Enacted:**

**Date Vetoed:**

**Date Veto Overridden:**

### Amendments

#### Amendment 1

**Amendment Date:** 10/04/2021

**Legislative Day:** 16

**Comments:** (This amendment:

- (1) Clarifies certain exemptions that relate to the Forest Conservation Act; and
- (2) Clarifies penalties for noncompliance.)



# Howard County Government

## CB64-2021

### Amendment 1 to Council Bill No. 64-2021

BY: The Chairperson at the request Legislative Day 16  
of the County Executive Date: October 4, 2021

#### Amendment No. 1

( *This amendment:*

- (1) *Clarifies certain exemptions that relate to the Forest Conservation Act; and*  
(2) *Clarifies penalties for noncompliance.*)

On page 3, strike line 19 and substitute:

“(1) Specimen tree cutting or clearing subject to Subtitle 12 of this Title and in accordance with:

(i) An approved Declaration of Intent;

(ii) An approved Forest Conservation Plan with recorded Plat; or

(iii) An exemption from the subtitle.”.

On page 4, in line 27, after “years.” insert “If the violation relates to a property with a plan in the review process, the plan shall be voided and the County shall not accept a new application for residential subdivision of the property for five years from the voided plan date.”.

#### Motions on Amendment

##### Motion to Approve

**Motion Date:** 12/6/2021

**Final Action:** Failed

**Moved By :** Opel Jones

**Seconded By :** Christiana Rigby

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	Yes
Christiana Rigby	3	Yes
Deb Jung	4	No
David Yungmann	5	No



# Howard County Government

## CB64-2021

### Amendment 2

**Amendment Date:** 10/04/2021

**Legislative Day:** 16

**Comments:** (This Amendment replaces the definition of “specimen tree”; requires a certain statement related to forest conservation; alters a criterion for a certain tree removal; and alters references to cutting or clearing.)

### Amendment 2 to Council Bill No. 64-2021

**BY:** David Yungmann Legislative Day No. 16

**Date:** October 4, 2021

#### Amendment No. 2

*(This Amendment replaces the definition of “specimen tree”; requires a certain statement related to forest conservation; alters a criterion for a certain tree removal; and alters references to cutting or clearing.)*

On the title page, in line 1 of the title, strike “cutting or”.

On page 2, strike lines 5 through 9 and substitute:

“A tree with a trunk or trunks each of which measures 30 inches in diameter or larger, measured at 4.5 feet above the ground.”.

On page 2, in line 26 strike “cut or”.

Also on page 2, in line 26, after property. add “for purposes of this section, a tree that is removed without removing the stump is considered to have been cleared”.

On page 2, in line 28 strike “cutting or”.

On page 3, in line 5 strike “cut or”.

Also on page 3, in line 10, before the period insert:

“, and

(3) Include a statement from the property owner that:

(i) no subdivision, site development, or other activity that would subject the property to Forest Conservation regulations is contemplated for at least five years; or

(ii) the subject specimen trees are dead or diseased”.

Also on page 3, in line 12, strike “where clear and convincing evidence is shown that a specimen tree is diseased or dead” and substitute “where the Department determines the application to be complete and accurate and where clear and convincing evidence is shown that the specimen tree is diseased or dead if said condition is the basis for the application”.



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Also on page 3, beginning in line 15, strike “cut or”.

Also on page 3, in line 20, strike “cutting or”.

Also on page 3, in line 27, strike “cut or”.

Also on page 3, in line 28, strike “cutting or”.

On page 4, in lines 1, 8, 10, 12, 15, 19, and 20 strike “cutting or”.

Also on page 4, in line 11, after “size” insert “inside the planned service area or less than six acres in size outside the planned service area”.

Also on page 4, in line 26, strike “cut or”.

On page 5, in line 1, strike “cut or”.

### Motions on Amendment

#### Motion to Approve

**Motion Date:** 12/6/2021

**Final Action:**

**Moved By** : David Yungmann

**Seconded By** : No second to the motion

### Amendment 3

**Amendment Date:** 10/04/2021

**Legislative Day:** 16

**Comments:** (This Amendment alters the diameter at which trees are considered specimen trees.)

### Amendment 3 to CB64-2021

**BY:** Liz Walsh Legislative Day No. 16

**Date:** October 4, 2021

#### Amendment No. 3

*(This Amendment alters the diameter at which trees are considered specimen trees.)*

On page 2, in line 8, strike “30” and substitute “24”

### Amendment 4



# Howard County Government

## CB64-2021

**Amendment Date:** 10/04/2021

**Legislative Day:** 16

**Comments:**

(This amendment:

- (1) Clarifies that prohibitions against the cutting and clearing of Specimen Trees also apply to Invasive Species Specimen Trees; and
  - (2) Allows for certain exceptions to apply on Open Space owned by Homeowners Association.)
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# Howard County Government

## CB64-2021

### Amendment 4 to Council Bill No. 64-2021

BY: The Chairperson at the request Legislative Day 16

of the County Executive Date: October 4, 2021

#### Amendment No. 4

*( This amendment:*

*(1) Clarifies that prohibitions against the cutting and clearing of Specimen Trees also apply to Invasive Species Specimen Trees; and*

*(2) Allows for certain exceptions to apply on Open Space owned by Homeowners Association.)*

On page 2, in line 28, after “tree” insert “or an invasive species specimen tree, as identified in the Forest Conservation Manual.”.

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On page 3, in line 5, strike “an inventory of each specimen tree to be cut or cleared that shall:” and substitute a colon.

On page 3, after line 5 insert:

“(1) For each non-Invasive Species specimen tree to be cut or cleared:”

On page 3, in line 6, strike “(1)” and substitute “i”.

On page 3, in line 9, strike “(2)” and substitute “ii”.

On page 3, after line 10, insert:

“(2) For each invasive species specimen tree to be cut or cleared, a photo of the tree, description of the species and an aerial photograph identifying the location of the tree on the property.”

On page 3, in line 13, after “dead” insert “or that an invasive specimen tree is present”.

On page 3, in line 31, after “improvements”, insert “, which are owned or managed by a government entity or Homeowners Association”.

On page 4, in line 12, after “with” insert “parkland or Open Space owned by the” and, in the same line, after “County”, strike “parkland and County Open Space” and substitute “or a Homeowners Association”.

On page 4, in line 16, after “on” insert “parkland or Open Space owned by the” and, in the same line, after “County”, strike “parkland and County Open Space” and substitute “or a Homeowners Association”.



# Howard County Government

## CB64-2021

### Motions on Amendment

#### Motion to Approve

**Motion Date:** 12/6/2021

**Final Action:** Passed as Amended

**Moved By :** Opel Jones

**Seconded By :** Christiana Rigby

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	Yes
Christiana Rigby	3	Yes
Deb Jung	4	No
David Yungmann	5	Yes

### Amendment 1 to Amendment 4

**Amendment Date:** 11/01/2021

**Legislative Day:** 17

**Comments:** (This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan approved by the Maryland Department of Natural Resources.)

### Amendment 1 to Amendment No. 4 to Council Bill No. 64-2021

**BY:** The Chairperson at the request Legislative Day #17

**of the County Executive Date:** November 1, 2021

#### Amendment No. 1 to Amendment No. 4

*( This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan approved by the Maryland Department of Natural Resources.)*

On page 2, in line 2, after “Homeowners Association”, insert “that has a Forest Stewardship Plan approved by the Maryland Department of Natural Resources.”



# Howard County Government

## CB64-2021

### Amendment 5

**Amendment Date:** 11/01/2021

**Legislative Day:** 17

**Comments:** (This amendment expands the definition of Specimen Tree)

### Amendment No. 5 to Council Bill No. 64-2021

**BY:** Liz Walsh Legislative Day #17

**Date:** November 1, 2021

### Amendment No. 5

*(This amendment expands the definition of Specimen Tree)*

On page 2, in line 7, strike "or".

On page 2, in line 9, strike the period and substitute a semi-colon.

On page 2, immediately following line 9, insert the following:

"(iii) A tree identified on the list of rare, threatened, and endangered species of the U.S. Fish and Wildlife Service or the Department; or

(vi) A tree that is part of a historic site or associated with a historic structure or designated by the Department or local authority as a national, State, or local Champion Tree".

Renumber the remainder of the subsection accordingly.





# Howard County Government

## CB64-2021

### Amendment 2 to Amendment 4

**Amendment Date:** 11/01/2021

**Legislative Day:** 17

**Comments:** (This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan drafted by the Maryland Department of Natural Resources.)

### Amendment 2 to Amendment No. 4 to Council Bill No. 64-2021

**BY:** The Chairperson at the request Legislative Day 17

**of the County Executive Date:** November 1, 2021

### Amendment No. 2

*( This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan drafted by the Maryland Department of Natural Resources.)*

On page 2, in line 2, after “Homeowners Association”, insert “that has a Forest Stewardship Plan drafted by the Maryland Department of Natural Resources.”

### Motions on Amendment

#### Motion to Approve

**Motion Date:** 12/6/2021

**Final Action:** Passed

**Moved By :** Opel Jones

**Seconded By :** Christiana Rigby

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	Yes
Christiana Rigby	3	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes



# Howard County Government

## CB64-2021

### Motions/Votes On Legislation

#### Motion to Table

**Motion Date:** 10/4/2021

**Final Action:** Passed

**Moved By :** Christiana Rigby

**Seconded By :** Liz Walsh

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes
Christiana Rigby	3	Yes

#### Motion to Remove From Table

**Motion Date:** 11/1/2021

**Final Action:** Removed from Table

**Moved By :** Liz Walsh

**Seconded By :** Opel Jones

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes
Christiana Rigby	3	Yes

#### Motion to Extend Life

**Motion Date:** 11/1/2021

**Final Action:** Life Extended

**Moved By :** Liz Walsh

**Seconded By :** Opel Jones

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes
Christiana Rigby	3	Yes



# Howard County Government

## CB64-2021

### Motion to Table

**Motion Date:** 11/1/2021

**Final Action:** Tabled

**Moved By :** Liz Walsh

**Seconded By :** Deb Jung

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Deb Jung	4	Yes
David Yungmann	5	Yes
Christiana Rigby	3	Yes

### Motion to Remove From Table

**Motion Date:** 12/6/2021

**Final Action:** Removed from Table

**Moved By :** Opel Jones

**Seconded By :** Christiana Rigby

Name	District	Vote
Liz Walsh	1	Yes
Opel Jones	2	Yes
Deb Jung	4	Yes
David Yungmann	5	No
Christiana Rigby	3	Yes

### Motion to Approve

**Motion Date:** 12/6/2021

**Final Action:** Failed

**Moved By :** Opel Jones

**Seconded By :** Christiana Rigby

Name	District	Vote
Liz Walsh	1	No
Opel Jones	2	Yes
Deb Jung	4	No
David Yungmann	5	No
Christiana Rigby	3	Yes



# Howard County Government

## CB64-2021

### Documents

[CB64-2021](#) - As Introduced

[Admin Testimony](#) - Supporting Documents

[Auditor's fiscal impact](#) - Staff Analysis

[Amendment 1](#) - Amendments

[public hearing testimony](#) - Supporting Documents

[written testimony 9.20-9.26](#) - Supporting Documents

[Amendment 2](#) - Amendments

[Amendment 3](#) - Amendments

[Amendment 4](#) - Amendments

[written testimony 10.18](#) - Supporting Documents

[Amendment 1 to Amendment 4](#) - Amendments

[Amendment 5](#) - Amendments

[written testimony 10.25](#) - Supporting Documents

[Amendment 2 to Amendment 4](#) - Amendments

[CB64-2021](#) - Final

[Final Signed Amendments](#) - Amendments

[CB64-2021public](#) - Supporting Documents